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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,700	10/29/2001	Christopher William Preist	30010014-2	4046

7590 08/25/2006

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/035,700	Applicant(s) PREIST ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/15/2006 have been fully considered but they are not persuasive.
2. Applicant's representative has amended the independent claims and argued that Thiessen fails to teach or suggest the added limitations of:  
  
"wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms... the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement as found in claims 1, 12 and 18.

"wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement" as found in claim 19 and

"wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility

checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement”.

In response, the Examiner disagrees with the applicant's assertion. Thiessen is directed to a computer-based method and apparatus for interactive computer-assisted negotiations. Thiessen teaches a plurality of participants, each using a computer for submitting proposals and preferences to a computer system embodied as an Interactive Computer-Assisted Negotiation Process Support System (ICANS) for reaching an agreement or for assisting the different participants in real time toward achieving an optimal mutually satisfactory agreement in dynamic, multi-issue, multi-party negotiations.

Thiessen states on column 3, lines 29-51:

“ICANS first encourages parties to make a proposal or identify at least one alternative solution to the problem that their party would find acceptable. ICANS then uses the preference information provided by each party to search for equivalent alternatives to party proposals by using linear programming to solve an optimization problem for which the objective is to insure no loss in satisfaction for any party while minimizing the maximum gain achieved by any party. If all parties accept the alternative generated by ICANS as a tentative agreement, that alternative is known as a common base alternative (common base for short). The purpose of establishing the common base is to facilitate the negotiations by converting inconsistent proposals offered by each party into what is for everyone an equivalent one from which joint negotiations can proceed. If no alternative equivalent to party proposals exists, the same optimization process can be used to generate a compromise to party proposals that would represent equivalent losses to each party. This compromise, or in fact any alternative created by ICANS or any other party, can also be considered as a candidate for the common base. In some cases, the parties may all agree to a common base at the outset, thereby bypassing the need for ICANS to generate it”.

Thiessen further states on column 4, lines 13-26 that:

“Before parties can enter information regarding their preferences on the outcome of a particular issue, they each must enter a bargaining range that defines the range of acceptable outcomes for that issue from least desirable to most desirable. Within this range, ICANS generates a satisfaction function that defines a party's relative satisfaction as a function of the issue's outcome. By default, the relative satisfaction function for each issue is assumed to be linear between the extremes of the range of values specified for that issue by the party, however, the party has the option of changing that function to more accurately describe their relative satisfaction function by picking points on the graphical interface”.

Thiessen then states on column 4, lines 54-63 that:

"This information can then be transmitted to a central computer system at a neutral site which processes all of the preference data from each of the parties, uses this information to generate the equivalent alternative, and transmits the results back to each of the parties. If the parties agree, the equivalent alternative proposal is used as the common base alternative. The central computer system will then generate the improved alternative along the efficiency frontier, and once again, transmit the results back to the parties".

Applicant's representative then argues that Thiessen does not seem to be directed towards implementing a plurality of negotiation rule sets defining a plurality of market mechanisms.

In response, providing an agreement including different parties having different interests and providing different proposals relating to a negotiation process in purchasing one or more items or providing one or more services as noted in Thiessen is similar to implementing a plurality of negotiation rule sets defining a plurality of market mechanisms since the computer system of Thiessen must compare and match different proposals set by all parties before arriving at a mutual and dynamic agreement.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiessen (US Patent No. 5,495,4112).

As per claims 1, 12, 18, 19 and 23, Thiessen discloses the invention as claimed. Thiessen discloses a computer-based method and apparatus for enabling negotiations between one or more parties. The system and method comprise a computer network having a plurality of nodes; a computer node having a processor being arranged to define the negotiation between the entities with a set of negotiation activities (see figure

column 5, lines 25-40); wherein the computer node is operable to implement a plurality of negotiation rules, each rule set constraining the set of negotiations activities to a specific negotiation type (column 6, lines 2-26) thereby allowing an entity to select at least one of a plurality of negotiation types.

As per claim 2, Thiessen teaches a plurality of nodes are arranged to define the negotiation between the entities (figure 1) with a set of negotiation activities (columns 5-6) wherein each of the plurality of nodes are operable to implement a plurality of negotiation rule sets (column 6, line 61 to column 7, line 46).

As per claims 3-5, 13-15 Thiessen teaches the at least one of the entities is a software negotiation agent, the computer node incorporates the software negotiation agent and the at least one of the entities is a user. See columns 6-7 and figure 1.

As per claim 6, 16, Thiessen discloses the at least one of the entities is a negotiation host (system 20) and at least another of the entities is a negotiation participant. See figure 1 of Thiesen.

As per claim 7, 17 Thiessen teaches wherein at least on of the rule sets constrains the negotiation activities ton an auction and at least another rule set constrains the negotiation activities to a one on one negotiation. See column 11, line 25-52.

As per claims 8-11 and 20-22 and 24-25, see column 11, line 54 to column 15, line 29.

4. Thus, from these teachings, it is noted that the added limitations are taught by

Thiessen as noted above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**

FP  
August 13, 2006